

REMARKS

Claims 1-6, 31 and 32 are pending. No new matter has been added by way of the present amendment. For instance, Applicants have cancelled claims 7-13, 17-22, 24-29 and 35-37. Accordingly, no new matter has been added.

In view of the following remarks, Applicants respectfully request that the Examiner withdraw all rejections and allow the currently pending claims.

Issues Under 35 U.S.C. §112, Second Paragraph

The Examiner has rejected claims 7-13, 17-22 and 24-29 under 35 U.S.C. §112, second paragraph, asserting that the recitation of "solid fine-grains" is inconsistent with the "fine grains" previously stated. Applicants traverse and submit that the rejected claims have been cancelled. Accordingly, this rejection is moot. Reconsideration and withdrawal of this rejection are respectfully requested.

Issues Under 35 U.S.C. §102(b)/§103(a)

The Examiner has rejected claims 7-12, 17-21, 24-28 and 35-37 as being anticipated under 35 U.S.C. §102(b) or, in the alternative, obvious under 35 U.S.C. §103(a) over Scaringe.

Applicants note that on the first page of the outstanding Office Action, the Examiner indicated that claim 35 was allowable. However, during a telephone conversation between the Examiner and

Applicant's representative in September of 2003, the Examiner indicated that the stated allowability of claim 35 was a typographical error and in fact, claim 35 is not allowable.

Applicants traverse the above rejection and submit that the rejected claims have been cancelled. Accordingly, this rejection is moot. Reconsideration and withdrawal of this rejection are respectfully requested.

Issues Under 35 U.S.C. §103(a)

The Examiner has rejected claims 13, 22 and 29 under 35 U.S.C. §103(a) as being obvious over Scaringe in view of Lobo.

Applicants traverse the above rejection and submit that the rejected claims have been cancelled. Accordingly, this rejection is moot. Reconsideration and withdrawal of this rejection are respectfully requested.

Allowable Subject Matter

At page 4, subheading 8, of the outstanding Office Action, the Examiner indicated that claims 1-6, 31 and 32 are allowable. Claims 1-6, 31 and 32 are the only pending claims. Accordingly, the Examiner is respectfully requested to withdraw all rejections and issue a Notice of Allowability directed to the pending claims.

If the Examiner has any questions or comments, please contact Craig M. McRobbie, Reg. No. 42,874 at the offices of Birch,

Stewart, Kolasch & Birch, LLP at (703) 205-8000 in the Washington, D.C. area.

Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), the Applicants hereby petition for an extension of three (3) months to January 29, 2004 in which to file a reply to the Office Action. The required fee of \$950.00 is enclosed herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP



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